

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

IN RE: TESTOSTERONE REPLACEMENT THERAPY PRODUCTS LIABILITY LITIGATION	MDL No. 2545
This Document Relates to All Cases	Master Docket Case No. 1:14-cv-01748 Honorable Matthew F. Kennelly

**JOINT APPLICATION FOR RE-APPOINTMENT
TO THE PLAINTIFFS' STEERING COMMITTEE**

COME NOW the undersigned Co-Lead Counsel of the Plaintiffs' Steering Committee, who make this joint application for re-appointment to the Plaintiffs' Steering Committee and various roles therein on behalf of all current members of the Plaintiffs' Steering Committee as previously appointed by this Court.

I. BACKGROUND

This Court entered Case Management Order No. 4 on August 1, 2014 (D.N. 244). Pursuant to CMO 4, the Court appointed the members of the Plaintiffs' Steering Committee ("PSC"), including Co-Lead Counsel, Liaison Counsel and Plaintiffs' Executive Committee ("PEC") as follows:

Co-Lead Counsel: Ronald E. Johnson, Jr.
Trent B. Miracle
Christopher A. Seeger

Executive Committee: Timothy Becker
(includes co-lead counsel) Michael Papantonio
Seth Katz
Michael London
Maury A. Herman
Michelle Kranz
Bill Robins

Steering Committee:
(includes counsel above)

Martin Crump
T. Matthew Leckman
Lawrence J. Gornick
Matthew Teague
Gregory Spizer
Frank Petosa
Kristine Kraft
Elwood C. Stevens, Jr.
Christopher Tisi
Arnold Levin
Alex H. MacDonald
Mark A. Hoffman
Dawn M. Barrios
Derriel C. McCorvey
Roger W. Orlando
Rachel Abrams
W. Mark Lanier
David S. Ratner
Yvonne Flaherty
Dianne Nast
Kathleen Chavez

Co-Liaison Counsel:

Brian J. Perkins
Myron Cherry

In CMO 4, the Court further ordered that: “All appointments are made for a one-year period and will expire on August 15, 2015. Appointees may apply for reappointment when their term expires. A reapplication process will be established at an appropriate time in advance of the expiration date. Counsel are advised in advance that applications for reappointment will be required to include references to the nature and scope of the applicant’s work, including time and resources expended during the previous term.”

II. Application for Re-Appointment

Pursuant to CMO 4, Co-Lead Counsel for the PSC, on behalf of all current members of the PSC as appointed by this Court on August 1, 2014, make the following application for re-appointment of Co-Lead, PEC, PSC and co-liaison counsel as set forth above. As grounds for

this application for re-appointment, the undersigned submit that this group has worked well together in a cohesive, cooperative and efficient manner that has resulted in meaningful and productive work product on behalf of all plaintiffs with cases filed in the MDL.

Each and every member of the PSC has made significant contributions of financial resources in order to fund the cost of the litigation. Each and every member of the PSC has accepted a position and performed work on a sub-committee of the PSC, including, but not limited to sub-committees such as: Science Committee; Discovery Committee; Law & Briefing Committee; and Trial Committee. Additionally, the twenty-two (22) at-large members of the PSC have been divided into six teams to work on the litigation of each of the six different Defendants in this MDL.

It is important to note that, although it has been one year since the members of the PSC have been appointed, this MDL has taken longer than normal to get into active litigation due to the need to organize and agree on an overall framework and case schedule for the prosecution of the injury claims against six separate defendants, as well as a third party payor class action case. The vast majority of the first year of this litigation has been focused on the creation and entry of case management orders (“CMO”) to govern the litigation as it progresses from the earliest stages of paper discovery through deposition discovery to dispositive motion practice and bellwether trials. Given the process required for the development of these CMOs for presentment and entry by the Court, it is simply not possible for all members of the PSC to have a role in that work. Many of those PSC members who were not able to participate in the organizational work for the structure of the litigation in the MDL will be performing extensive work in the reviewing of custodial file productions and taking depositions – work that is just now beginning. This is a long way of saying that there are some PSC members who have not yet had an opportunity to do

meaningful work in this case, but that they are now doing so, or will be in the near future. The fact that they may not be able to cite large numbers of hours of work to date should not be held against them simply because it has taken almost a year to get the litigation underway.

The individual statements and declarations of each PSC member outlining the role that they have played in the MDL to date are attached hereto as separate exhibits. Each applicant was told to limit his or her declaration to approximately one page for the convenience of the Court. Based on those declarations and the foregoing, the undersigned Co-Lead Counsel respectfully request that the Court re-appoint all current PSC members to their same positions following the expiration of their terms on August 15, 2015.

Respectfully Submitted,

/s/ Ronald E. Johnson, Jr.

Ronald Johnson, Jr.

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Plaintiffs' Co-Lead Counsel

CERTIFICATE OF SERVICE

I hereby certify that on August 13, 2015, the foregoing document was filed via the Court's CM/ECF system, which will automatically serve and send email notification of such filing to all registered attorneys of record.

/s/ Trent B. Miracle